

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

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**FRANKY MILLS**

3795 Old William Penn Hwy.  
Monroeville, PA 15668

Plaintiff,

v.

**CITY OF PHILADELPHIA d/b/a  
CURRAN-FROMHOLD  
CORRECTIONAL  
FACILITY,**  
7901 State Rd.  
Philadelphia, PA 19136

and

**BLANCHE CARNEY,**  
Individually and in her official capacity  
as Commissioner  
Curran-Fromhold Correctional Facility  
7901 State Rd.  
Philadelphia, PA 19136

and

**MICHELE FARRELL,**  
Individually and in her official capacity  
as Warden  
Curran-Fromhold Correctional Facility  
7901 State Rd.  
Philadelphia, PA 19136

and

**TERRENCE CLARK,**  
Individually and in his official capacity  
as Deputy Commissioner  
Curran-Fromhold Correctional Facility  
7901 State Rd.  
Philadelphia, PA 19136

and

Civil Action No.:

**JURY TRIAL OF TWELVE (12) JURORS  
DEMANDED**

**EDWIN CRUZ,**  
Individually and in his official capacity  
as Deputy Warden CFCF Operations  
Curran-Fromhold Correctional Facility  
7901 State Rd.  
Philadelphia, PA 19136

and

**ROBERT ROSE,**  
Individually and in his official capacity  
as Deputy Warden CFCF Operations  
Curran-Fromhold Correctional Facility  
7901 State Rd.  
Philadelphia, PA 19136

and

JOHN DOES 1-10,

Defendants.

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**CIVIL ACTION COMPLAINT**

1. Plaintiff, Franky Mills, is an adult individual, residing at the above-captioned address. At all times material, Plaintiff was in the custody of the Pennsylvania Department of Corrections at Curran-Fromhold Correctional Facility (“CFCF”). At all times material, Plaintiff was incarcerated at CFCF.
2. Defendant, Curran-Fromhold Correctional Facility (CFCF), is a correctional facility, housing approximately 2,000 males and is part of the Philadelphia Department of Prisons. CFCF is operated by the City of Philadelphia and is headquartered at the above-captioned address.
3. Defendant, Blanche Carney (“Carney”), at all times material herein, acted individually, as well as in her individual capacity as an agent, servant, workman, or employee of CFCF, acting under color of State law.
4. Defendant, Blanche Carney (“Carney”), at all times material herein, acted individually, as

well as in her individual capacity as an agent, servant, workman, or employee of CFCF, acting under color of State law.

5. Defendant, Michele Farell (“Farrell”), at all times material herein, acted individually, as well as in her individual capacity as an agent, servant, workman, or employee of CFCF, acting under color of State law.
6. Defendant, Terrence Clark (“Clark”), at all times material herein, acted individually, as well as in his individual capacity as an agent, servant, workman, or employee of CFCF, acting under color of State law.
7. Defendant, Edwin Cruz (“Cruz”), at all times material herein, acted individually, as well as in his individual capacity as an agent, servant, workman, or employee of CFCF, acting under color of State law.
8. Defendant, Robert Rose (“Rose”), at all times material herein, acted individually, as well as in his individual capacity as an agent, servant, workman, or employee of CFCF, acting under color of State law.
9. Defendants, John Does 1-10, is a moniker/fictitious name for individuals and entities currently unknown but will be substituted when known, as affiliated, associated or liable hereunder for the reasons set forth below or inferred therefrom. Each of these parties are incorporated as Defendants in each and every count and averment listed above and below.

#### **JURISDICTION AND VENUE**

10. The above paragraphs are incorporated herein by reference.

11. Jurisdiction in this Honorable Court is based on federal question 28 U.S.C. §1331; supplemental jurisdiction over state law claims is granted by 28 U.S.C. §1367.

12. Venue is proper in the District of Pennsylvania, as the facts and transactions involved herein occurred in large part in this judicial district in Philadelphia County.

**STATEMENT OF FACTS**

13. The above paragraphs are incorporated herein by reference.

14. Plaintiff was incarcerated in CFCF from in or around November 2020 through April 2021.

15. For approximately one month of his incarceration, from in or around November 2020 until December 2020, without reason, Plaintiff was subjected to barbaric and inhumane treatment. This treatment included but is not limited to:

- a. Not being allowed to leave his cell.
- b. Not given single shower.
- c. Not given a toothbrush.
- d. Not being allowed to remove the trash from his cell, causing food trays, and other trash to accumulate. This caused leftover food began to spoil and smell.
- e. Not being allowed to change his sheets.
- f. Not being able to exchange his jumper for a clean one.
- g. Not being allowed to receive or make any phone calls.

16. While Plaintiff asked numerous times for a shower, toothbrush, trash removal, clean sheets and a clean jump suit, his requests were always denied.

17. Plaintiff was eventually moved to a new section called a “cell multi”. This section consisted of multiple people inmates placed into one large room which was considered a cell.

18. Upon information and belief, Defendants Carney, Farrell, Clark, Cruz and Rose knew or should have known about the deplorable treatment of Plaintiff and should have done something about it.

19. Plaintiff has suffered and continues to suffer severe physical and psychological stress as a result of Defendants' egregious conduct.

**COUNT I.**  
**EIGHTH AMENDMENT VIOLATION- CRUEL AND UNUSUAL PUNISHMENT**

20. Plaintiff incorporates by reference all prior paragraphs as if fully set forth at length herein.

21. Defendant failed to provide Plaintiff with a toothbrush, cleans sheets and jumpers, as well as, neglected garbage removal. Defendant also failed to provide Plaintiff the ability to make any phone calls while incarcerated.

22. Defendant's actions stated above, inter alia, were violations of Plaintiff's clearly establish and well settled Constitutional and other legal rights.

23. Defendant caused Plaintiff to suffer cruel and unusual punishment in violation of the Eighth Amendment of the United States Constitution, actionable through 42 U.S.C. §1983, et seq.

**WHEREFORE**, Plaintiff demands judgment in his favor and against Defendant individually, jointly and/or severally, in an amount in excess of Seventy-Five Thousand (\$75,000.00) Dollars, together with interest, costs, punitive damages, attorney's fees and such other and further relief as this Honorable Court deems just, including equitable injunctive relief.

Respectfully Submitted,

WEISBERG LAW

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